



**MINUTES**

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)  
SPECIAL MEETING**

**(January 21, 2010 meeting cancelled and rescheduled for January 28, 2010)**

**10:00 a.m., Thursday, January 28, 2010  
Human Resources Verde Conference Room  
7575 E. Main Street  
Scottsdale, Arizona 85251**

**PRESENT:** Jack Cross, Chairman/Mayoral Designee  
James Butera, Elected Member  
La Verne Parker Diggs, Citizen Member/Merit Head  
Jeffrey Walther, Elected Member

**ABSENT:** Jeffrey Burg, Citizen Member

**STAFF:** Ken Nemec  
Chanda Washington

**Call to order:**

Chairman Cross called the meeting to order at 10:08 a.m. He stated that the first order of business was the acknowledgement of Board Member Burg's excused absence.

**Roll call:**

A formal roll call confirmed the members present as stated above.

1. **Review and Approval of Meeting Minutes—December 17, 2009.**

**BOARD MEMBER WALTHER MOVED TO APPROVE THE REGULAR AND EXECUTIVE SESSION MEETING MINUTES OF THE DECEMBER 17, 2009 PSPRS POLICE LOCAL BOARD MEETING. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.**

**2. Induction of new Scottsdale Police Officers into PSPRS**

Mr. Nemec reported that Police Officer Josh Hynson was rehired on January 19, 2010 with no pre-existing conditions.

In response to Chairman Cross' inquiry regarding whether Officer Hynson was a rehire from another police department, Mr. Nemec confirmed that he was returning from a civilian status.

Chairman Cross directed staff to remind Officer Hynson to reinstate his past time in the Public Safety Personnel Retirement System as soon as possible in order to meet the time constraints.

**BOARD MEMBER PARKER DIGGS MOVED TO APPROVE THE INDUCTION OF SCOTTSDALE POLICE OFFICER JOSH HYNSON INTO THE PSPRS WITH AN EFFECTIVE MEMBERSHIP DATE OF JANUARY 19, 2010 AND WITH NO PRE-EXISTING CONDITIONS NOTED. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.**

**3. Discussion and vote on the accidental disability retirement application of Police Lieutenant Craig Chrzanowski**

Chairman Cross discussed the fact that he has had several discussions with Police Lieutenant Craig Chrzanowski and would therefore recuse himself from the vote on the approval of his accidental disability retirement application.

He pointed out that it was normal procedure for the police officers to approach the elected members of the Board to discuss how the process works and opined that as Chairman he would not want to have undue influence on the discussion.

Board Members Walther and Butera reported that Police Lieutenant Chrzanowski has not approached them to discuss his retirement application.

Ms. Washington stated that Police Lieutenant Chrzanowski was currently participating in the DROP program and as a result there would be a two-fold process to his application. She stated that since his DROP end date was February 28, 2010, the Board would need to review his DROP retirement in addition to his accidental disability.

Ms. Washington explained that today the Board would be reviewing Police Lieutenant Chrzanowski's accidental disability and pointed out that the condition he was applying for was based on his eye. She presented a description of the reason for his disability, pointing out that stress was a factor in advancing his injury while completing his duties as a police officer. Additional medical documentation would be forthcoming during the approval process.

Ms. Washington reported that she spoke with Public Safety regarding this unique situation and was informed that should the Board decide to schedule an IME of Police

Lieutenant Chrzanowski in order to proceed with a hearing on his disability retirement application, they must approve his DROP application during their next monthly meeting.

She stated that the DROP would be switched to a disability retirement once the disability retirement application was approved by the Board. Chairman Cross confirmed that the tax status of the pension would be the only difference between the DROP and disability retirement pension.

In response to Board Member Butera's inquiry regarding whether the disability retirement pension was tax free, Chairman Cross responded that only the portion of the pension related to Police Lieutenant Chrzanowski's first 20 years in the DROP was tax free. He noted that any amount calculated above the 20 years was subject to income tax minus the amount contributed to the DROP.

Chairman Cross elaborated that normal job related disability cases are proven using the "but for test," and opined that it might be difficult to locate an IME doctor for this case, since an eye injury creates an unusual situation.

He recalled that at the October 26, 2009 PSPRS Local Board Conference they discussed occasions where the Phoenix Police Board decided not to move forward with an IME due to lack of information.

Chairman Cross summarized that care must be taken when deciding whether or not someone is entitled to receive disability benefits, since there are provisions in the statute that require the Board to make findings of accidental ordinary disability based on the evidence from their appointed Medical Board.

He suggested that the Board request an IME on most cases in order to gather sufficient medical documentation on which to base a decision.

Chairman Cross recalled that Police Lieutenant Chrzanowski informed him that his doctor has told him that his disability was related to the stress of his job duties.

Ms. Washington requested direction from the Board regarding what steps should be taken should she experience problems locating an IME doctor through Columbia Medical for this applicant.

In response to Board Member Walther's inquiry regarding what type of doctor should be hired, Mr. Nemec confirmed that they should hire a neurologist or ophthalmologist to accomplish this IME.

Board Member Parker Diggs recalled that Police Lieutenant Chrzanowski had also received treatment for chest pains and suggested that he provide staff with a list of the hospitals and/or organizations where he has received treatment over the past three years.

Ms. Washington said Police Lieutenant Chrzanowski informed her that when he had the chest pains he thought he was having a heart attack and upon further investigation, he found that was not the case. He agreed to provide staff with copies of all of his medical records for review by the Board before a hearing was scheduled.

Board Member Parker Diggs voiced her concerns regarding Police Lieutenant Chrzanowski's high blood pressure as well as the date and location of the diagnosis. Chairman Cross confirmed that the documentation does not indicate the date of the diagnosis.

In response to Board Member Walther's inquiry regarding whether staff would have to look to outside sources when locating the IME doctor, Mr. Nemec suggested that the Board include in their motion language allowing staff to seek out a qualified specialist in case Columbia Medical does not have the specialist necessary for this case.

Board Member Walther recalled being informed by a fellow commander who oversees Police Lieutenant Chrzanowski that he was currently on full duty in the Investigative Services Bureau and that he participated in defensive tactics and passed the test that qualifies him to accomplish his full duties.

Upon further discussion, Board Members Walther and Parker Diggs opined that Police Lieutenant Chrzanowski should not be on full duty for the remaining three weeks of his DROP as a result of his disabilities and the impediments they may cause when driving a police vehicle or use of a handgun.

In response to Board Member Parker Diggs's concern that Police Lieutenant Chrzanowski was self-diagnosing the blindness in his right eye, Board Member Butera confirmed that the blindness was only in the corner of his eye. Board Member Parker Diggs recommended placing Police Lieutenant Chrzanowski on light duty.

Ms. Washington reported that Dr. Resnick diagnosed Police Lieutenant Chrzanowski with high blood pressure, Dr. Johnston diagnosed the eye injury, and Dr. Homel was his primary care doctor.

Mr. Nemec opined that it was very puzzling since Police Lieutenant Chrzanowski claims that he became disabled on July 4, 2008 and has yet to miss one day of work. Ms. Washington said he informed her that he has adapted to his disability by using his other eye when shooting his firearm.

Discussion ensued regarding situations arising wherein Police Lieutenant Chrzanowski's adaptations might put his or someone else's life in jeopardy. Board Member Walther pointed out that it is very difficult to use one's non-dominant eye when shooting a firearm. Board Member Butera argued that in a stressful situation he might revert to using his dominant eye.

Board Member Walther recalled that Police Lieutenant Chrzanowski has been a Scottsdale Police Officer for 30 years and Board Member Butera recalled that he had also been a Detention Officer for Cook County.

Chairman Cross invited the Board Members to choose one of the following actions to take regarding Police Lieutenant Chrzanowski's disability retirement application:

- Make a motion to send Police Lieutenant Chrzanowski for an IME examination,

- Decide whether Police Lieutenant Chrzanowski qualifies for the disability based on the documentation received to date, or
- Direct staff to request that Police Lieutenant Chrzanowski supply additional information before requesting an IME.

He explained that due to the economy it was important not to spend funds unnecessarily.

Board Member Butera opined that the sketchy medical documentation and the fact that Police Lieutenant Chrzanowski is still working supports his decision not to request an IME at this time.

Mr. Nemec cautioned the Board when deciding not to request an IME for the first applicant coming to the Board under its newly set standards for IMEs.

Board Member Walther discussed the timeliness of Police Lieutenant Chrzanowski's request for a disability retirement three weeks prior to his DROP end date in addition to working every day since his July 4, 2008 diagnosis. He stated that Police Lieutenant Chrzanowski's request appears to be suspect.

Board Member Parker Diggs argued that there may not be a disability based on Police Lieutenant Chrzanowski's performance track record.

Board Member Walther recalled that most PSPRS disability cases reflect an obvious injury that impairs a police officer's performance. He requested that staff inquire why Police Lieutenant Chrzanowski has taken so long to request a disability retirement if the injury occurred on July 4, 2008.

Chairman Cross requested that the discussion be tabled until staff obtains additional information from Police Lieutenant Chrzanowski and pointed out that the PSPRS must be notified of the Board's decision before December 31, 2010 in order to complete the 1099. Board Member Walther confirmed that he would continue to get paid until the Board makes a decision on his disability retirement application.

In response to Board Member Parker Diggs' inquiry regarding there were any previous injuries related to stress, Ms. Washington stated that they were not work related. Board Member Walther recalled one officer who had a heart attack while fighting or chasing a suspect while on duty.

Board Member Walther directed staff to research how other PSPRS Boards have handled such cases. Chairman Cross recalled researching stress-related injury cases handled by other PSPRS Boards, and noted that it is hard to prove stress as the cause of an injury.

Board Member Walther pointed out that individuals over 50 have a high incidence of high blood pressure. Board Member Parker Diggs pointed out that medication is available to keep blood pressure under control.

Board Member Butera stated that the nature of Police Lieutenant Chrzanowski's disability is high blood pressure, yet he does not indicate that it was related to stress, other than providing articles related to stress.

He elaborated that the incompleteness of Police Lieutenant Chrzanowski's disability retirement application in conjunction with the timelessness of his DROP end date creates a certain degree of suspicion.

Ms. Washington confirmed that the Board would like to receive the requested information at least one week prior to their February 18, 2010 meeting since the applicant would be present for questioning.

In response to Board Member Parker Diggs' request that the Board work with the Police Department to place Police Lieutenant Chrzanowski on light duty immediately, Board Member Walther volunteered to initiate the process.

Chairman Cross directed staff to inform Police Lieutenant Chrzanowski about the questions that arose during today's meeting as well as ensuring that he attends the February 18, 2010 meeting to answer any additional questions before the Board determines whether to request an IME.

Chairman Cross confirmed that the discussion and vote on the disability retirement application of Police Lieutenant Chrzanowski was tabled until February 18, 2010. Mr. Nemec agreed to agendaize this item as well as Police Lieutenant Chrzanowski's DROP retirement application for the February meeting.

Ms. Washington reminded the Board that the Rollins disability hearing is already scheduled for February 18, 2010 and stated that staff would only push this agenda item to March should they feel there was a timeline issue.

**BOARD MEMBER PARKER DIGGS MOVED TO TABLE THE DISCUSSION AND VOTE ON THE DISABILITY RETIREMENT APPLICATION OF POLICE LIEUTENANT CHRZANOWSKI UNTIL FEBRUARY 18, 2010. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS ABSTAINED FROM VOTING AND BOARD MEMBER BURG WAS ABSENT.**

**4. Discussion of the Process Used by the Board in Evaluating Accidental Disability Pension Applications**

Chairman Cross noted that agenda item four was already discussed in combination with agenda item three. He confirmed that it was the consensus of the Board to obtain medical evidence from an applicant that corroborates their disability before sending them for an IME.

**5. Motion to Recess into Executive Session**

Chairman Cross deemed it unnecessary to go into Executive Session.

**6. Distribution of Tentative Police Local Board Meeting Schedule for 2010**

Mr. Nemec confirmed that the Board's monthly meeting was still scheduled for 11:00 a.m. on the third Thursday of each month. It was the consensus of the Board to accept the tentative 2010 Police Local Board Meeting Schedule as presented.

**7. Board Suggestions for Upcoming Agenda Items**

Chairman Cross confirmed that there were no suggestions for upcoming agenda items.

**ADJOURNMENT:**

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 10:42 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec  
PSPRS Police Local Board Secretary

Jack Cross  
PSPRS Chairman/Mayoral Designee